

REMARKS

The applicant has had an opportunity to carefully consider the Examiner's Office Action of December 28, 2004 and believes this amendment is fully responsive to every point raised by the Examiner. Reconsideration of the application, as amended, is respectfully requested. Claims 1-12 and 15-22 remain in the application after this amendment is entered.

THE OFFICE ACTION

Claims 1-12 and 15-22 stand rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,259,907 to Bellamy, Jr. et al. (Bellamy) in view of U.S. Patent No. 6,549,918 to Probert, Jr. et al. (Probert).

THE ART REJECTIONS

Claims 1-12 and 15-22 Patentably Distinguish over the Combination of Bellamy and Probert.

Bellamy is removed as a reference through submission of an accompanying 37 CFR 1.131 Declaration (131 Declaration) executed by the applicant. The effective date of Bellamy is November 30, 1999, its filing date. The present application was filed on January 17, 2000. The accompanying 131 Declaration establishes conception of the invention at least prior to November 30, 1999 and due diligence from at least prior to November 30, 1999 to the filing of the present application on January 17, 2000. Accordingly, the applicant respectfully submits that Bellamy does not qualify as a reference. Therefore, the Examiner's rejection of claims 1-12 and 15-22 should be withdrawn.

Additionally, submission of the 131 Declaration and the foregoing remarks does not constitute an admission that claims 1-12 and 15-22 are obvious over the combination of Bellamy and Probert. The applicant reserves the right to present arguments that claims 1-12 and 15-22 are substantively distinguishable over the combination of Bellamy and Probert. However, this issue is moot in view of the removal of Bellamy as a reference through the accompanying 131 Declaration.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-12 and 15-22) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at (216) 861-5582.

Respectfully submitted,

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March 4, 2005

Date


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Certificate of Mailing

- Under 37 C.F.R. § 1.8, I certify that this Amendment is being
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